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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/627,896

Filing Date: July 25, 2003

Appellant(s): MAHINI, HASSAN

Stephen A. Herrera
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/10/2009 appealing from the Office action
mailed 07/17/2008

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2004/0203651	QU	10-2004
6,381,474	KRAFT	4-2002
6,266,060	ROTH	7-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 10, 19, 28, 35 are rejected under 35 U.S.C. 102(e) as being anticipated by QU et al (US 2004/0203651 A1).

Regarding claim 1, QU discloses a method of accessing functions of a mobile communication device **100** (abstract) comprising: generating a consolidated event list [**displayed annunciators**] to consolidate events according to event type, the consolidated event list comprising one or more event items, with each event item corresponding to a different event type (paragraph 10-12); dynamically updating the consolidated event list by adding an event item when a new event occurs and the consolidated event list does not already have an event item corresponding to the same event type (Table 2; paragraph 28, 29); automatically deleting an event item when a user has responded to all events corresponding to the event item (paragraph 12, 31, 40); displaying the consolidated event list to a user on a display (Figures 1 and 2); associating a menu item in a hierarchical menu with each event item in the consolidated event list (paragraph 27); and invoking the associated menu item in said hierarchical menu responsive to selection of an event item from the consolidated event list by the

user (paragraph 62, 64).

Regarding claim 10, QU discloses a mobile communication device **100** comprising: a display **110** for displaying menu items in a hierarchical menu for selection by a user (Figures 1 and 2); a memory **530** for storing a consolidated event list that consolidates events according to event type, the consolidated event list comprising one or more event items, with each event item corresponding to a different event type (paragraph 10-12); and a processor **526** configured to: dynamically update said consolidated event list by adding an event item [**annunciator**] to said consolidated event list when a new designated event occurs and the consolidated event list does not already have an event item corresponding to the same event type (Table 2; paragraph 28, 29); and automatically deleting an event item from said consolidated event list when a user has responded to all events corresponding to the event item (paragraph 12, 31, 40); display said consolidated event list on a display for viewing by a user (Figures 1 and 2); associate a menu item in a hierarchical menu with each event item in said consolidated event list (paragraph 27); and invoke the associated menu item in said hierarchical menu responsive to selection of an event item from the consolidated event list by the user (paragraph 62, 64).

Regarding claim 19, QU discloses a circuit **100x** for controlling a user interface including a display **110**, said circuit comprising a processor **526** programmed to: generate a consolidated event list [**displayed annunciators**] to consolidate events according to event type, the consolidated event list comprising one or more event items, with each event item corresponding to a different event type (paragraph 10-12);

dynamically update the consolidated event list by adding an event item when a new event occurs and the consolidated event list does not already have an event item corresponding to the same event type (Table 2; paragraph 28, 29); deleting an event item when a user has responded to all events corresponding to the event item (paragraph 12, 31, 40); display the consolidated event list to a user on a display (Figures 1 and 2); associate a menu item in a hierarchical menu with each event item in the consolidated event list (paragraph 27); and invoke the associated menu item in said hierarchical menu responsive to selection of an event item from the consolidated event list by the user (paragraph 62, 64).

Regarding claim 28, QU discloses a computer readable medium having logic stored thereon, the logic configured to control a user interface in a mobile communication device, and to control said mobile communication device to: generate a consolidated event list [**displayed annunciators**] to consolidate events according to event type, the consolidated event list comprising one or more event items, with each event item corresponding to a different event type (paragraph 10-12); dynamically update the consolidated event list by adding an event item when a new event occurs and the consolidated event list does not already have an event item corresponding to the same event type (Table 2; paragraph 28, 29); automatically deleting an event item when a user has responded to all events corresponding to the event item (paragraph 12, 31, 40); display the consolidated event list to a user on a display (Figures 1 and 2); associate a menu item in a hierarchical menu with each event item in the consolidated event list (paragraph 27); and invoke the associated menu item in said hierarchical

menu responsive to selection of an event item from the consolidated event list by the user (paragraph 62, 64).

Regarding claim 35, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. QU further discloses wherein dynamically updating the consolidated event list further comprises determining a type for the new event, and adding the event item to the consolidated list if the type of new event has not been excluded by the user (paragraph 12, 28, 56-58; QU discloses the ability to activate and deactivate certain functions of the annunciator. Furthermore while QU discloses that any of the items on Table 2 may be used, in the examples provide by QU, none of the applications shown have been excluded).

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 4-7, 13-16, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over QU et al (US 2004/0203651 A1) in view of KRAFT (6,381,474 B1).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although QU discloses the use of shortcut commands, QU does not expressly disclose wherein said consolidated event list is displayed responsive to entry of a shortcut command by said user. In a similar field of endeavor, KRAFT discloses wherein a consolidated event list is displayed responsive to entry of a shortcut command by said user (abstract; Figure 3; col. 3, line 57-col. 4, line

8; col. 4, line 50-57; col. 7, line 44-51). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify QU to include the teachings of KRAFT, since displaying a list responsive to a user command allows control of a display based on a users input. Furthermore, display of various lists through a shortcut is well known and conventional in the art and allows various menus and submenus to be accessed according to a programmed interface.

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, QU does not expressly disclose further comprising sorting said consolidated event list before said consolidated event list is displayed. In the same field of endeavor, KRAFT discloses sorting a consolidated event list before said consolidated event list is displayed (col. 2, line 39-58; col. 7, line 52-64). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify QU to include the teachings of KRAFT, since such a modification provides a listing of most relevant events based on a user defined priority. Furthermore, the use of a sorted list is well known and conventional in the art that provides data sets according to a defined rule.

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of QU and KRAFT further discloses wherein said consolidated event list is sorted in time order (KRAFT - col. 2, line 39-58; col. 7, line 52-64).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of QU and KRAFT further

discloses wherein said consolidated event list is sorted based on priorities assigned to said consolidated events on said consolidated event list (KRAFT - col. 2, line 39-58; col. 7, line 52-64).

Regarding claim 13, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although QU discloses the use of shortcut commands, QU does not expressly disclose wherein the processor displays said consolidated event list responsive to entry of a shortcut command by said user. In a similar field of endeavor, KRAFT discloses wherein a consolidated event list is displayed responsive to entry of a shortcut command by said user (abstract; Figure 3; col. 3, line 57-col. 4, line 8; col. 4, line 50-57; col. 7, line 44-51). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify QU to include the teachings of KRAFT, since displaying a list responsive to a user command allows control of a display based on a users input. Furthermore, display of various lists through a shortcut is well known and conventional in the art and allows various menus and submenus to be accessed according to a programmed interface.

Regarding claim 14, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, QU does not expressly disclose wherein the processor sorts said consolidated event list before said consolidated event list is displayed. In the same field of endeavor, KRAFT discloses sorting a consolidated event list before said consolidated event list is displayed (col. 2, line 39-58; col. 7, line 52-64). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify QU to include the teachings of KRAFT, since such a

modification provides a listing of most relevant events based on a user defined priority. Furthermore, the use of a sorted list is well known and conventional in the art that provides data sets according to a defined rule.

Regarding claim 15, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of QU and KRAFT further discloses wherein said processor sorts said consolidated event list is in time order (KRAFT - col. 2, line 39-58; col. 7, line 52-64).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of QU and KRAFT further discloses wherein said processor sorts said consolidated event list based on priorities assigned to said consolidated events on said consolidated event list (KRAFT - col. 2, line 39-58; col. 7, line 52-64).

Regarding claim 22, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although QU discloses the use of shortcut commands, QU does not expressly disclose wherein the processor displays said consolidated event list responsive to entry of a shortcut command by said user. In a similar field of endeavor, KRAFT discloses wherein a consolidated event list is displayed responsive to entry of a shortcut command by said user (abstract; Figure 3; col. 3, line 57-col. 4, line 8; col. 4, line 50-57; col. 7, line 44-51). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify QU to include the teachings of KRAFT, since displaying a list responsive to a user command allows control of a display based on a users input. Furthermore, display

of various lists through a shortcut is well known and conventional in the art and allows various menus and submenus to be accessed according to a programmed interface.

Regarding claim 23, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, QU does not expressly disclose wherein the processor sorts said consolidated event list before said consolidated event list is displayed. In the same field of endeavor, KRAFT discloses sorting a consolidated event list before said consolidated event list is displayed (col. 2, line 39-58; col. 7, line 52-64). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify QU to include the teachings of KRAFT, since such a modification provides a listing of most relevant events based on a user defined priority. Furthermore, the use of a sorted list is well known and conventional in the art that provides data sets according to a defined rule.

Regarding claim 24, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of QU and KRAFT further discloses wherein said processor sorts said consolidated event list is in time order (KRAFT - col. 2, line 39-58; col. 7, line 52-64).

Regarding claim 25, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of QU and KRAFT further discloses wherein said processor sorts said consolidated event list based on priorities assigned to said consolidated events on said consolidated event list (KRAFT - col. 2, line 39-58; col. 7, line 52-64).

4. Claims 8, 9, 17, 18, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over QU et al (US 2004/0203651 A1) in view of KRAFT (6,381,474 B1) and further in view of ROTH (US 6,266,060 B1).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. Although KRAFT discloses using priority sorting (col. 2, line 39-58; col. 7, line 52-64), the combination of QU and KRAFT does not expressly disclose wherein said priorities are assigned to said events items on said consolidated event list by the user. ROTH discloses wherein said priorities are assigned to said events items on said consolidated event list by the user (column 13, line 21-column 14, line 33). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of QU and KRAFT to include the menu sorting abilities described in ROTH as both disclose a way to prioritize menu rankings. As stated by ROTH, *it should be understood that the present invention can be used to arrange any menu of user-selectable items regardless of the medium that is used to present the menu* (column 5, lines 30-38, column 5, lines 46-59, column 6, lines 31-42). This is beneficial in that it allows for various sorting techniques in any menu environment of user-selectable items.

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. The combination of QU, KRAFT, and ROTH further discloses wherein said consolidated event list is sorted based on usage statistics associated with said events items on said consolidated event list (ROTH - column 13, line 21-column 14, line 33).

Regarding claim 17 and 26, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. Although KRAFT discloses using priority sorting (col. 2, line 39-58; col. 7, line 52-64), the combination of QU and KRAFT does not expressly disclose wherein said priorities are assigned to said events items on said consolidated event list by the user. ROTH discloses wherein said priorities are assigned to said events items on said consolidated event list by a user (column 13, line 21-column 14, line 33). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of QU and KRAFT to include the menu sorting abilities described in ROTH as both disclose a way to prioritize menu rankings. As stated by ROTH, *it should be understood that the present invention can be used to arrange any menu of user-selectable items regardless of the medium that is used to present the menu* (column 5, lines 30-38, column 5, lines 46-59, column 6, lines 31-42). This is beneficial in that it allows for various sorting techniques in any menu environment of user-selectable items.

Regarding claim 18 and 27, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. The combination of QU, KRAFT, and ROTH further discloses wherein the processor sorts said consolidated event list based on usage statistics associated with said events items on said consolidated event list (ROTH - column 13, line 21-column 14, line 33).

(10) Response to Argument

1. Claims 1, 10, 19, 28, and 35 are not anticipated by Qu

A. Claim 1 is not anticipated by QU. (see page 6-7 of the Appeal Brief)

Regarding the applicant's arguments that "[t]he Examiner equates the annunciators of Qu to the claimed event items on the consolidated list. However, the annunciators of Qu are not the claimed event items because they are visual indicators only. There are no functional ties between the annunciators and the menu items in Qu. According to Qu, "annunciators are used to indicate the current status of the device and are displayed as appropriate." Qu, p. 2, ¶[0020] (emphasis added). Qu further states that to address an event, such as a missed call, a user must conventionally invoke the Missed Call menu screen (310) using a predetermined sequence of keys or a programmed hot-key. As in Qu, "[the missed call] menu screen may be shown in response to the user pressing a particular key or menu option defined to invoke this screen." Qu, p. 3, ¶[0030]; Figure 3A (emphasis added). Thus, the Qu annunciators merely visually inform a user that a missed call (or other event) has occurred. To address such events, a user in Qu must still operate a keypad or other user control to navigate a hierarchical menu system - an exercise that the claimed invention avoids. Qu does not teach an event item that, when selected by the user, invokes the functionality of an associated menu item. Rather, Qu teaches annunciators that are visual indicators only. There is no functional component to the Qu annunciators, and as such, Qu does not anticipate claim 10." (page 7 of the Appeal Brief); the examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., addressing of events without operating a keypad or other user control to navigate a

hierarchical menu system and wherein event items are directly selectable by a user (see page 7, line 16-21) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The limitation of Claim 1 related to the applicant's argument states *invoking the associated menu item in said hierarchical menu responsive to selection of an event item from the consolidated event list by the user.*

As can be seen on Figure 3 and table 2, each annunciator is associated to an associated application such as missed call, voice recognition, voice memo, answer machine, and/or data call. Selection of a displayed annunciator provides a menu related to said application. This is seen for example paragraph 62 and 64 (paragraph 62 - *If the annunciator is displayed, the user request for the missed voice calls are processed; paragraph 64 - If this annunciator is displayed, then user request for voice memos are processed. The voice memo processing may include showing the listing of recorded voice memos whenever requested, playing or deleting a selected voice memo.*). Selection by a user can occur in response to the user pressing a particular key or menu option defined to invoke this screen (paragraph 30 discloses how a user selects the appropriate item to invoke the menu option screen). This is again evident on lines 12-16 of the abstract, wherein *[a] menu screen with a listing of all items (e.g., missed calls, recorded voice memos, recorded messages, or data calls) may be displayed when requested, and additional information for a selected item may also be*

provided if requested. Therefore, QU teaches access to an associated menu item based on a users selection based on a visual indicator provided on a list of corresponding events (i.e. invoking associated menu item based on a users selection (indirect selection using a keypad) from a displayed event list).

B. Claim 10 is not anticipated by QU. (see page 7-8 of the Appeal Brief)

Applicant's arguments with regards to claim 10 are the same as those presented in claim 1 and therefore is addressed above.

C. Claim 19 is not anticipated by QU. (see page 8-9 of the Appeal Brief)

Applicant's arguments with regards to claim 19 are the same as those presented in claim 1 and therefore is addressed above.

D. Claim 28 is not anticipated by QU. (see page 9-10 of the Appeal Brief)

Applicant's arguments with regards to claim 19 are the same as those presented in claim 1 and therefore is addressed above.

E. Claim 35 is not anticipated by QU. (see page 10-11 of the Appeal Brief)

Regarding claim 35, the applicant argues "*The "annunciators" in Qu are visual symbols that indicate the current status of the device. Qu, p. 2, ¶[0020]. According to Qu, annunciators are displayed based on whether an event did/did not occur, or that a specific function is enabled disabled. For example, when the user misses a call, Qu teaches continuously displaying the missed call annunciator until the user clears the annunciator from the display. Qu, p. 3, ¶[0032]. There is nothing in Qu that teaches displaying the missed call annunciator only if the user has not excluded missed call events. Similarly, Qu does not teach displaying other annunciators to indicate the status of a voice recognition function of the device only if the user has not excluded voice*

recognition functionality. According to Qu, the annunciators are either displayed or not displayed to indicate whether the functionality is available/unavailable, or enabled/disabled. Qu, p. 3, ¶[0035].

*Qu does not teach that a user can exclude certain types of events or annunciators, nor does Qu ever mention only adding annunciators if they do not represent an excluded type of event. In fact, Qu never mentions that the user has any control whatsoever to add/delete annunciators. Therefore, claim 35 is patentable over Qu.” (see page 11 of the Appeal Brief); the examiner respectfully disagrees. Claim 35 recites *dynamically updating the consolidated event list further comprises determining a type for the new event and adding the event item to the consolidated list if the type of new event has not been excluded by the user*. Figure 4 shows a determination of various types of displayed events and providing an indicator based on an event type indication. Paragraph 56 and 57 describe user specific designs for handling various annunciator display techniques, such as assigning a particular annunciator for determined high priority missed calls. As disclosed on paragraph 59, priority is determined for specified new events and provides adding of a special event to the displayed list if the type corresponds to a user determined priority (i.e. if the type of new event has not been excluded by the user).*

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Ariel Balaoing/

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